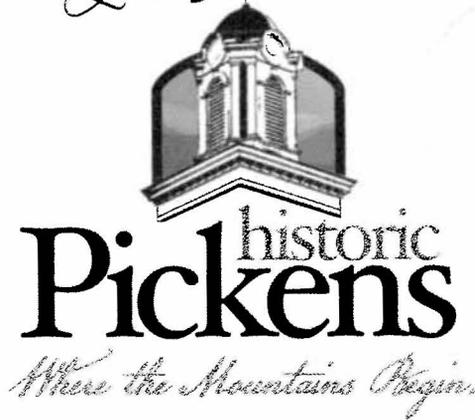




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SEP 27 2012
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FedEx

September 26, 2012

Ms. Cynthia T. Brown
Chief of the Section of Administration,
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

SEP 27 2012

Part of
Public Record

Re: Request for Issuance of a Public Use Condition and Interim Tail Use Condition and Statement of Willingness to Assume Financial Responsibility (Pickens Railway Company Petition for Abandonment- Docket No. AB-1097 X)

Dear Ms. Brown:

Enclosed are the original and ten copies of a combined REQUEST and STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY ("REQUESTS-STATEMENT") jointly filed by both the City of Easley, South Carolina, and the City of Pickens, South Carolina, which are local government entities in the State of South Carolina. We enclose a check for \$250.00 as the filing fee but request that it be waived under 49 CFR Section 1002.2(3)(1) and returned to the cities.

A copy of this letter and the REQUEST-STATEMENT have been mailed today, first class postage prepaid, to the following legal counsel for Pickens Railway Company: Ms. Rose-Michele Nardi, Weiner Brodsky Sidman Kider P.C., 1300 19th Street, N.W., Fifth Floor, Washington, D.C. 20036-1609.

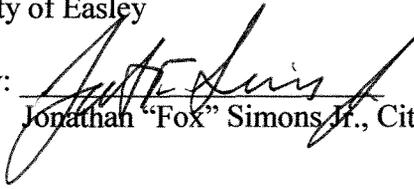
Please time and date stamp the additional copy of this transmittal letter and the related REQUESTS-STATEMENT and return them in the enclosed stamped envelope. Thank you for your assistance.

FILING FEE WAIVER

If you have any questions, please call our attorney, Andrew J. White Jr., at 864.240.3288, or email him at awhite@hsblawfirm.com. For distribution purposes, please include Mr. White, whose address appears below, on all future filings and notifications.

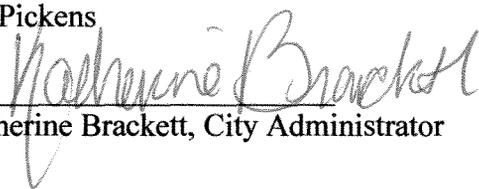
Sincerely yours,

City of Easley

By: 

Jonathan "Fox" Simons Jr., City Administrator

City of Pickens

By: 

Katherine Brackett, City Administrator

Enclosures

cc: Andrew J. White, Jr.
Haynsworth Sinkler Boyd, P.A.
P.O. Box 2048
Greenville, SC 29602
Telephone: 864.240.3288

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097 X

**REQUEST FOR PUBLIC USE CONDITION, REQUEST FOR INTERIM TRAIL USE
AND STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

September 26, 2012

TO THE SECRETARY:

Attn: Chief of the Section of Administration,
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

**ENTERED
Office of Proceedings**

SEP 27 2012

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Public Record

This Request for Public Use Condition and Request for Interim Trail Use and Statement of Willingness to Assume Financial Responsibility (“Requests-Statement”) are jointly filed on behalf of both the City of Easley, South Carolina, a body politic and corporate under the laws of the State of South Carolina, and the City of Pickens, South Carolina, a body politic and corporate under the laws of the State of South Carolina (collectively, the “Cities”).

The Cities jointly request issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an abandonment authorization for approximately 8.5 miles of rail line in Pickens County, South Carolina, between Milepost 0.0 at Pickens, South Carolina, and milepost 8.5 at Easley, South Carolina, now owned by Pickens Railway Company (the “Line”) and the subject of the abandonment petition of Pickens Railway Company in Docket No. AB-1097 X.

A. Request for Public Use Condition

The Cities jointly request that the Surface Transportation Board (“STB”) find that the Line is suitable for other public use, specifically trail use, and to place the following conditions on the property:

1. An Order prohibiting Pickens Railway Company from disposing of the Line corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: the rail corridor in question dates back to the nineteenth century and is commonly referred to in the local community as the “Pickens Doodle Line.” The Line corridor connects the City of Pickens (the county seat of Pickens County) with the City of

Easley (the largest city in the County of Pickens) and will make an excellent recreational trail. In addition, the corridor provides wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes.

2. Make the Order effective for a period of one hundred eighty days (180) days from the effective date of the Abandonment Authorization. The Cities need this time in order to complete its rail plan, begin negotiations with Pickens Railway Company, and ultimately complete its due diligence before taking title to the Line. Due diligence includes title examination, reviewing environmental issues, inspection/evaluation of trestles and culverts, completing a risk assessment for liability purposes, and developing a trail plan.

3. An Order barring removal or destruction of potential trail-related structures, such as bridges, trestles, culverts and railroad ballast. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is one hundred eighty days (180) days from the effective date of the Abandonment Authorization for the same reasons as indicated in Paragraph 2 above.

B. Request for Interim Trail Use

The Line is suitable for railbanking. In addition to the public use conditions sought above, the Cities also make the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

In order to establish interim rail use and railbanking under Section 8(d) of the National Trails System Act, 16 USC 1247(d) and 49 CFR 1152.29, with respect to the Line, the Cities are willing to assume full responsibility for (i) managing the right-of-way comprising the Line, (ii) any legal liability arising out of, the transfer or use of the right-of-way comprising the Line (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the Line after its transfer to the Cities.

The Cities acknowledge that use of the right-of-way is subject to the users continuing to meet their responsibilities described above and also subject to the possible future reconstruction and reactivation of the Line right-of-way for rail service.

The Line right-of-way extends from Milepost 0.0 in Pickens, South Carolina, to Milepost 8.5 in Easley, South Carolina, for a distance of approximately 8.5 miles in Pickens County, South Carolina. The Line right-of-way is the railroad line which is proposed for abandonment in STB Docket No. AB-1097 X.

A map of the property depicting the Line right of way is attached.

By the undersigned's signature below, they certify that on the 26th day of September, 2012, they served a copy of this Requests-Statement upon the legal counsel of Pickens Railway Company

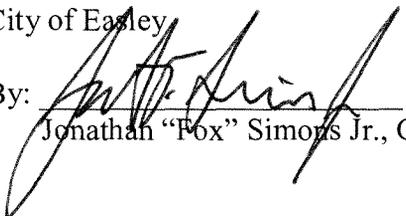
by first class mail, postage prepaid, addressed to: Ms. Rose-Michele Nardi, Weiner Brodsky Sidman Kider P.C., 1300 19th Street, N.W., Fifth Floor, Washington, D.C. 20036-1609.

For distribution purposes, please include the Cities' attorneys on all future filings and notifications regarding the above matters: Andrew J. White Jr., Haynsworth Sinkler Boyd, P.A., P.O. Box 2048 Greenville, South Carolina 29602 (telephone: 864.240.3288).

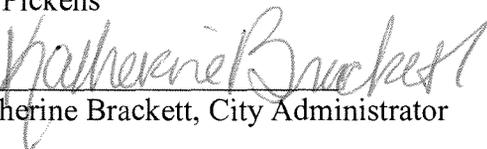
We thank you for your consideration of this petition.

Respectfully Submitted,

City of Easley

By: 
Jonathan "Fox" Simons Jr., City Administrator

City of Pickens

By: 
Katherine Brackett, City Administrator

Pickens Doodle Line Proposed Trail
(approximately 8.5 miles)
Pickens Railway Co.

